



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

ANGELA R. FAHERTY, Ph.D.
COMMISSIONER

February 3, 2011

Andrea Lane
Elan School
P.O. Box 578
Poland, Maine 04274

Dear Ms. Lane:

Thank you for the opportunity for representatives from the Maine Department of Education to visit Elan's educational program on December 1, 2010 as part of the two year special education focused monitoring process through the Maine Unified Special Education Regulations, General Supervision System (MUSER, Section [XIII]).

During the Maine Department of Education's site visit representative Debrajean Scheibel completed the following activities:

Site visitation
Record review
Interviews with four (4) staff members
Interview with one (1) student

The following strengths were noted:

Staff

- Staff are provided yearly professional development activities regarding FERPA,
- Staff participate in weekly meetings to address current and immediate student needs,
- Staff feel supported,
- Student-centered staff with positive outlooks,
- Caseloads/Supervision,
- Confidentiality training.

Instructional Time/Curriculum

- Emphasis and availability of "real life" programming for secondary students,

- Access to on-site college courses,
- Support for traditional learners,
- Comparability.

IDEA Record Keeping/Notes

- Student special education files were organized and readily accessible for review,
- Record access,
- Annual notification of Family Education Rights and Privacy Act (FERPA).

The activities completed as part of this focused monitoring resulted in concerns regarding the following issues:

Staff

- No concerns noted.

Instructional Time/Curriculum

- Skill-deficit focus for IEP goal development,
- Staff knowledge of differentiated instruction.

IDEA Record Keeping/Notes

- Differentiated instruction for students with lower abilities,
- Specialized instruction for students with IEPs skill deficit areas,
- Staff understanding difference between accommodations and specialized instruction,
- Staff understanding of meeting the individual needs of students requiring specialized instruction,
- Special education and regular education teacher understanding of an individual student's skill level,
- Special education teacher understanding of the IEP goal delivery.

Area of Need Plan

Elan School must provide an area of need plan for each item for which concerns were noted above. Please provide a timeline for each goal that is less than one (1) year from the date of this letter. Please submit to Nancy Connolly at nancy.connolly@maine.gov or Maine Department of Education, Attention: Nancy Connolly, 23 State House Station, Augusta, ME 04333.

On behalf of the focused monitoring review for Special Purpose Private Schools, I would like to thank you for your involvement in this process. If you need further assistance, please contact Nancy Connolly at (207) 624-6650.

Sincerely,

A handwritten signature in cursive script, reading "Angela Faherty".

Angela Faherty, Ph.D.
Commissioner of Education

AF/DJS/khf

Cc: Nancy Connolly, Coordinator, State Agency Clients
Edwin Kastuck, Program Approval
Debra Hannigan, Lead, General Supervision System Team
David Noble Stockford, Policy Director and Team Leader, Special Services

Elan School Visitation Report
October 21, 2009
by
Debrajean Scheibel

Purpose: Special Education Monitoring Year-One Training

Visitation activities included: training on IDEA Compliance and Record Audit in preparation of Self-Assessment with two special education teachers, special education administrator, and acting superintendent/principal, a one and a half hour tour of the facility and informal conversation with two students

Tour of the facility and conversation with students: The facility is composed of an administrative building, the "Office Building", a common building which houses the kitchen, dining hall and assembly area for the school, a school (comprised of numerous classrooms and a great hall, and two dorms (one female and one male).

The newly hired Special Administrator, Debrajean Scheibel toured the facility with two student guides (one male and one female). Throughout the tour the two student guides were very informative, and forthcoming. Each clearly had a "tour script" and described how the Elan Program was designed to build character and teach the students to know themselves first, keep their emotions in control, and develop leadership skills that would allow them to be successful academically and socially. As each student responded to my questions it was evident that these two students were very proud with what they had accomplished during their time at Elan. The following questions, triggered by prior knowledge of some of the difficulties Elan had faced in the passed were asked throughout the tour:

The facility is very minimally furnished and bare. Is that difficult for you as young people to live with? Response: No, the students here need to be focusing on themselves, not being distracted by all those other things that distracted them in their previous life. There are three major rules here. 1. No violence, no drugs or alcohol and no boy/girl interaction such as dating, seeing each other. We are here because we need to know our selves and learn to control our emotions.

The schedule you described, being up a 9:00 am, "in the office at 10:30 and working until 5:00, dinner at 5:30, classes from 6:30-10:30 pm. and lights out at midnight, seems like a long day for you. Is it? Response: No, all responsibility for our lives is on us, the students here. We need become independent and learn how to work, learn and be socially responsible. We all have very specific jobs here. There is a hierarchy of responsibilities. Each new student starts at the bottom and spend time learning how to take responsibility for their emotions, taking care of basic living chores, showing that they can be trusted and honest with themselves.

That must be hard for some students. Is it? Response: (Male student) Yes. It was hard for me. Sometimes students come from some a life that has been pretty out of control. In my case, I had no boundaries, using drugs, lying, cheating, stealing, and took advantage of every body. I was out of control. I put myself here. I had hit rock bottom. It was hard, but I wanted to have a better life for myself. I wasn't going to school. I was going nowhere... and had nowhere else to go. My family supported me but up to that point nothing they did for me worked. Here I learned that I had to do this for me. It is about my knowing me inside, and wanting to do that for myself. I moved quickly up the hierarchy because I wanted to be here.

(Female Student) Yes, it was hard for me too. I didn't want to be here. My parents made me come and I resisted what Elan me to do, but I realized I wanted to be a team leader by the example set by my team leader (within each tier of the hierarchy there are teams that have a team leader. The teams are developed around specific activities that need to be done on a daily basis within the Elan community: communication, recreation, cleaning, leadership, etc). I realized that each of the team leaders had been where I had been, at the bottom of the hierarchy, and had come from a way of life that was not working for them.

My sense is that you have very little time to yourself or any kind of privacy. When do you have any down time or privacy? Response: (Both students) There is no down time. We are either working or learning academics or about ourselves. As we move up in the hierarchy we earn time to go to town, or to go home, or to take part in an activity or an event planned by the recreation team. Many of the students do sports, such as cross country and they use that as time for themselves...you have to be trustworthy to get up at 6 a.m. and practice...it is all about trust and being responsible for yourself as well as every body else who lives here. If one falls, we are reminded that we all can fall.

What about privacy? Do you have any privacy? Response: (Both) I have enough privacy.

You live in a dorm with 30 plus guys, how do have any privacy there? Response: Male: I have enough privacy. This is my time to learn about me. I want to and need to. I am the oldest in the dorm. I am their role model. You have time in the morning if and again in the evening as long as you take care of what you need to, such as making your bed, being sure your clothes are put away and everything is in order. If your space is in order, it's easier to keep yourself in order.

Female: Females are not allowed near the boys dorm or are the boys allowed near the female dorm. You have to respect yourself, know yourself, and you find ways to get the privacy you need. You learn to respect others need for quiet, conversation, and personal interest. We each have our assigned space (bed, dresser, physical space). The dorm is used for sleeping, hygiene, and dressing. Everything else takes place "at the office", the area/common area, and the classrooms, unless your involved with sports. You find ways to be private within yourself. But, you still have to be honest, trustworthy, and be sure you are doing nothing to jeopardize your role as a team leader, you're the role model.

What about the others? Response: (Both) Some have a hard time at first, most get use to it. There are some who don't. Some take longer, especially those who did not want to be there and were placed by their parent/s or had to come because they may have been involved in things that could have lead to court, or do not want to take responsibility for themselves and blame everyone or every thing else on their being placed there.

What happens when they have a hard time or they can't take it any more? Response: (Both) Some run, some act out, but we have a system here that keeps us confronting our feelings every day and how our behavior impacts some one else or the team. The group meetings are used as times to work through how we are feeling and we learn how to cope with the situation in a productive way. Not taking drugs, fighting, walking out.

How does that work? Response: (Both) Any time we do something that hurts or causes a problem for someone else we are confronted with it.

How does that happen? Response: (Both) We have boxes in every room. When something is said or done that impacts someone else or the group a slip of paper with your name on it and what was said or done is placed in the box. There could be up to 300 slips a day, depending on what is going on. Then we are broken into small groups that are specific to the individuals who may have been impacted by what was said or done as well as the individual who's behavior triggered the response. We all then have to talk about the incident and what triggered it, in a way that is not attacking on the person. The discussion centers on what was done, how it impacted you, not any one else, how and/or what could have been done to address the trigger, or what the individual has learned from the situation.

That must be very hard to do? I would expect that some may get pretty angry, and it can get pretty loud. Response: (Both) Yes it is hard, but its important. When we leave here we need to be aware of how are behavior enhances, or hurts a relationship, whether it is our family, friends, work, or school communities. There can be times it gets loud, especially when you have a new member to the community. They don't know how to do this work. Our job as role models is to show how it works, and treat each other with respect regardless of how angry, hurt or frustrated we are. We all got our own issues, and we are here to work on that.

Are there fights here? Response: (Male) No, there use to be, before I came here. That is one of the number one rules, No Violence. We use our voices to express our emotions in the big group, we have to listen and we have take ownership and work it through.

Tell me about your time for socialization. Response: (Both) We time before and after work and school, and the weekends. That is when the activities are schedules. Some are off site and some are here. It depends where you are in the hierarchy whether you can leave the site. Sometimes you get to go home or have visitations from your family.

What do you mean by sometimes? Response: (Both) We are required to write home, but we may not see our parents until we are ready to.

Why is that? Response: (Both) Most of us are here because we did not have good relationships with our family and we need to work on ourselves, develop coping skills, and ways to control our emotions and behavior. The communication team watches over everyone to be sure they are writing to their families, so our families know what we are doing and that we are still here. We are required to talk about ourselves in our letters. That is part of rebuilding our relationship with our family. Some don't want to write, some want to write more. Some really miss their family. We have to become self-sufficient and learn how to communicate with our family in a way that helps us not go back to our previous way of getting back or ignoring them. Some of us did some pretty mean things to our family or someone in our family.

Do you feel that you are being asked to do too much work around here? No, we live here, it is our responsibility to make sure the place we live in is clean, neat and comfortable. We don't need to be taken care of. We have to learn how to take care of ourselves in a responsible way, and that is what we here to do. We can't let excuses, our problems, and the problems of others keep us from taking proper care of our individual selves. If we can't take care of ourselves here we won't be able to outside of here.

Everything seems very scheduled. Who does the scheduling of events, and activities? Response: (Female) Each team has its own responsibilities and the recreation and the communication teams schedule all of our events and activities. Suggestions are made and the events and activities are based on how far up or down in the hierarchy you are. It is about being ready to take on more responsibility. You have to be able to be trusted.

When we walked into the office we were greeted by a young man what is that about? Is he a resident? Response: (Female) Yes, he is part of the security team. He is on watch. That is his job, to be sure that no one comes in who should not be the buildings. You would have been questioned about your purpose, who gave you permission to be there, stuff like that.

Do you have security people at night? Response: (Male) Elan hires a security person to patrol the property during the night hours. They don't come into the dorm, that is our responsibility, but they do patrol outside and around the dorms to be sure no one is running way, or leaving the property.

Does that happen often? Response: (Male) It happens quite a bit. Especially new members, but I left myself last spring. It happens. Sometimes it just gets too much and you do what you always did before and that is run....

What happens when you run? Are you allowed back? Are there consequences? Response: (Male) Yes, there has to be. You get "shot down" which means you move out of the hierarchy and take time to work through whatever it was that caused you to run. You can also get "shot down" if you do something that seriously impacts your team or the community as a whole. You then have to work your way back to taking on more responsibility and regaining your former position in the hierarchy. It can take a long time or a short time. It depends on what the offense was, and how significant it was. Elan is

about multiple chances. They never give up on you, but they do hold you accountable for your actions. They let me back and it did take me time to reflect and work my way back to the position I now hold. It is about chances and learning from your mistakes, but more importantly about finding more productive ways for dealing with those things that get hard and seem to hard to manage. What would happen if I was not here and had this kind of structure and constant support? I need to be strong and work through things in a way that does not lead to my getting back into drugs, and destructive behavior. I realized that when I found myself in Portsmouth, NH (he is from California) and began to think about my choices, was I going back to old behaviors and that I hadn't finished my work yet at Elan. I needed to go back, and I did. Here I am. I am doing well. I owned up to my limitations, and knew I had more work to do.

Tell me about your academic program. Response: (Female) We take three classes a day from 6:30 until 10:30. Most of us are working towards a high school diploma, but quite a few have enough credits to graduate from high school and are still working on their life skills but continue to take college classes. The work is hard for me. I meet earlier than 6:30 with my Chemistry teacher because a few of us are struggling and he comes in early to tutor us. I never paid much attention to school before. Now I do. I am doing well, but it is hard. The teachers here are great.

How is it to go to school at night rather than the daytime? Response: (Both) I like it. I think we all do. We are less hyper at night and can settle down to learning at night because we worked all day. Its only four hours....

Are there students who are disruptive in your classes? Response: (Both) No, that is what is so cool. Every student is there to learn. The classes are small. If someone is having a hard time the teacher can tell and you get help right away.

Facility: The facility was sparsely furnished, functional, clean and orderly, with minimal distractions. Initially, it appeared to be void of habitation. Once toured it became evident that the minimal necessities were there: tables, chairs, bulletin boards, books, and charts.

The buildings appear to have very little furniture or things in them. Response: (Both) Yes, the expectation is that you put your time and energy into yourself, not into things. They are too distracting. We have what we need.



ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

SUSAN A. GENDRON
COMMISSIONER

June 16, 2006

Mary Ellen Waters
Director of Special Education
Elan School
P.O. Box 578 #5 Road
Poland, Maine 04274

Dear Ms. Waters:

I have been advised by Anna Feeney, Consultant, Program Review, that the agreed-upon Continuous Improvement Plan resulting from the Cycle V Special Education Program Review has been completed by your staff. Completion of this Cycle V improvement plan continues the status of full-program approval of the special education programs within your jurisdiction.

Congratulations to you, your board members, and staff for your work on behalf of students with disabilities. Your efforts bring us even closer to the goal that all students in Maine are provided with equal educational opportunities.

On behalf of the Division of Special Services and myself, I thank you.

Sincerely,

Susan A. Gendron
Commissioner of Education

SAG:AF

Continuous Improvement Plan

School Unit

Glenn Heights

Date

May 17, 2005

Person Responsible

Sharon McNamee

Distinguished Educator

Review Date

Item Number/Area of Concern	Demonstration of Continuous Improvement	Documentation to be Submit	Date
Involvement and Knowledge of Special Education Teachers in the Special Education Process	<p>Monthly staff meetings with experienced Special Education will be held. These meetings will address the following:</p> <ul style="list-style-type: none"> 1) Teacher roles and responsibilities under Chapter 101 and I.D.E.A. (2005) a) Pre-referral strategies/R.T.I. b) Referral c) Documentation/Evaluation. d) Participation in the PET process. <p>Development of IEP - understanding all components.</p> <ul style="list-style-type: none"> - Understanding and being able to convey the student's current level of functioning and developing a PLED statement based on evaluations and teacher collected data and/or observations. - Developing measurable goals and objectives (the teacher's role in collecting and recording data in order to serve the IEP). - Developing classroom modifications and assessment accommodations (teacher's role in implementation). - Parental contact/concerns and involvement 	<ul style="list-style-type: none"> - Meeting agendas - Enclosures/training materials 	On going throughout the year.

Continuous Improvement Plan

School Unit Blanchard

Date May 19, 2005

Person Responsible Frankie Mc Nemitt

Distinguished Educator _____

Review Date _____

Item Number/Area of Concern	Demonstration of Continuous Improvement	Documentation to be Submit	Date
	<ul style="list-style-type: none"> - The student's participation in the general education curriculum. - What is L.R.E.? What is its role in a restrictive setting? - What services are specified in the law? What is the meaning of each? - Reporting to parents - Transition planning (participation of the student.) - Transfer of Rights at age 18. - Student participation in the IEP. - Grading IEP's - reporting to parents. <p>2. Changes required by reauthorization.</p> <p>a.) Updates</p> <p>b.) Necessary revisions in process/procedure.</p> <p>3. The thirteen identifiable handicapping conditions.</p> <p>a.) What are they. identified</p> <p>b.) Characteristics of learners</p>		

c. Appropriate teaching strategies

Continuous Improvement Plan

School Unit

Blair Middle

Date

May 19, 2005

Person Responsible

Sharon McManis

Distinguished Educator

Review Date

Item Number/Area of Concern	Demonstration of Continuous Improvement	Documentation to be Submit	Date
Documentation of Notification to Survivors re: use of Protective devices	Develop a protocol to assure that all necessary documentation regarding the use of protective devices is distributed to parents w/ copies in appropriate files.	Copy of protocol. Copy of notice.	



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

April 20, 2005

SUSAN A. GENDRON
COMMISSIONER

Frank McDermott, Principal
Elan School
P.O. Box 578
Poland, Maine 04274

Dear Frank:

On February 18 and March 10, 2005, members from the Department of Education's Special Education Program Review Team conducted a follow-up visit to assess Elan's current status in meeting regulatory requirements outlined in the letter dated February 26, 2004. This letter will outline the status of Elan in reaching compliance for any outstanding areas. Any areas still not demonstrating compliance will be need to be addressed in a Continuous Improvement Plan as outlined in this report.

During the *Year Two* follow-up review review, the Program Review Team examined the following areas:

- Certification and authorization of staff,
- Documentation of use of protective devices,
- Procedures involving evaluations and Pupil Evaluation Team (P.E.T.) meetings,
- Individualized Education Programs (IEP),
- Interviews with four educational technicians and three conditionally certified special education teachers,
- Review of nine student files,
- Informal interviews with school psychologist and Elan's principal,
- Review of newly designed behavior rubrics and P.E.T./IEP documentation,
- Record access sheet, and
- Annual notification of FERPA.

Several areas of improvement were noted by the review team. Elan's use of the newly developed behavior rubric and the incorporation of these standards into student IEPs were evident. By the use of these rubrics, student IEPs demonstrated a higher level of measurability in the areas of disability. Progress for behavioral concerns were well articulated and documented as defined by the Maine Special Education Regulations in Section 10.2G. Newly developed methods of documenting P.E.T. requirements, including requesting information from sending schools was evident. This documentation included the need to inform parents and students of transition planning and the invitation of the students to the transition meeting.

The conditionally approved special education teachers that were interviewed spoke highly of their jobs. They said the success around teaching their classes was due to the fact that they do not have to deal with discipline issues in the classroom environment.

All interviewed expressed the benefit of the team meetings each Tuesday. These meetings involve communication between house staff, educational technicians and classroom/special education staff regarding any discipline issues. This was viewed as a positive approach in dealing with situations as soon as a concern arises. All educational technicians interviewed were properly authorized to provide the support outlined in the IEPs.

The following areas outside the record audit now meet compliance:

- Annual notification of FERPA, and
- Record Access Sheet.

As noted in the *Year One* Letter of Status, concerns were noted around the understanding and involvement of the conditionally certified staff in the IEP programs and P.E.T. meetings. The special education teachers interviewed in this stage of the review process had difficulty in explaining their role and responsibility for the special education programming of their students. The educational technicians discussed in detail their role at the P.E.T. meetings as well as their communication with parents.

Section 300.455 of IDEA states that "Services provided to private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools." Also, Section 5.6 of the Maine Special Education Regulations states that any special education or supportive services provided to a student with a disability shall be specified in the student's IEP and shall be provided by an appropriately certified special education teacher or licensed supportive service provider.

Elan has complied with the certification and authorization requirements that were addressed in the *Year One* Letter of Status. Although staff meets the qualifications on paper, the delivery and responsibilities outlined in the above situations from the Maine Special Education Regulations was not evident. The continued concern regarding the involvement and knowledge of special education teachers in the special education process was discussed on site with the principal and school psychologist. As stated in the discussion, Elan is in the process of hiring a certified special education director to begin in the fall of 2005. Their plan is for this position to have the responsibility of training and ensuring the total implementation of all areas of the special education process. Elan's plan for improvement will need to clearly articulate the steps they will put in place to address these concerns.

The Program Review Team looked at the area of parental consents and notices, evaluation procedures, P.E.T. procedures, and IEPs through an audit of nine student files. There was improvement in all areas especially the documentation for transition. The files also reflected steps Elan takes to notify the student for attendance at transition meetings. Elan showed evidence through the file review of tracking needed documents from sending schools to ensure that staff remains current on all required information.

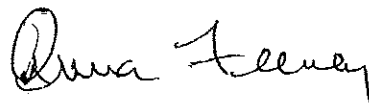
As part of this review, eight records were reviewed that documented Elan's process for documentation of the use of protective devices. Three of the eight files were missing documentation of notification to parents. In Elan's policy for the use of protective devices, it states that "whenever protective devices are employed, the student's parents or legal guardian shall immediately be notified." Elan will need to address how they will ensure that all staff complies with this policy and procedure in their Continuous Improvement Plan.

Based on the findings of the *Year Two* review, a Continuous Improvement Plan must be developed within **30 days** of receipt of this letter that addresses Elan's actions in regard to ensuring that the certified/licensed staff designated as being qualified to provide special education services display knowledge and carry out the requirements as stated in Sections 5.5, 5.6, 5.7, 8.3, and 8.5. Elan also will need to address how it is ensuring that all staff complete all requirements set forth in the policy for the use of protective devices. Enclosed is a copy of the Continuous Improvement Plan format for your use. This plan shall identify the actions, which demonstrate the school unit's move toward meeting areas still demonstrating concerns. If you have any questions regarding how to develop the plan and necessary components to submit for demonstration of compliance, please call me at 624-6674.

In accordance with the Freedom of Access Act, all letters related to the Special Education Program Review are public record and shall be made available to parents and other members of the public upon request.

On behalf of the Special Education Program Review Team, I would like thank the staff and administration of Elan for adjusting their schedules to accommodate our visit and for having staff members available for interviews.

Sincerely,

A handwritten signature in dark ink, appearing to read "Anna Feeney". The signature is fluid and cursive, with the first name "Anna" and last name "Feeney" clearly distinguishable.

Anna Feeney, Consultant
Special Education Program Review

Enc.



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

SUSAN A. GENDRON
COMMISSIONER

Elan - 100

February 26, 2004

Frank McDermott, Principal
ELAN
P.O. Box 578
Poland, Maine 04274

Dear Frank:

On January 13, 14 and 15, 2004, members from the Department of Education's Special Education Program Review Team conducted an on-site visit to assess Elan's current status in meeting regulatory requirements. This letter will outline the baseline data gathered during this review.

I would like to express my appreciation to you for the hospitality displayed to us including the tour of your facility and of the House Program given to us by one of Elan's students.

As was shared with you on site, Program Review is a process designed to promote continuous improvement. This letter, reflecting the information gathered in *Year One*, conveys the Program Review Team's findings. In *Year Two*, a Program Review Team will return to the Elan school to monitor those areas of concern identified. Following the *Year Two* review, a Letter of Findings will be written and a Continuous Improvement Plan developed for any areas still out of compliance.

During the *Year One* review, the Program Review Team examined the following areas:

- Continuum of services (including certification, and caseloads)
- Review of the special education approval document
- Parental notices and consents;
- Procedures involving evaluations and Pupil Evaluation Team (PET) meetings;
- Individualized Education Programs (IEP);
- Confidentiality;
- Facilities check for comparability; and
- Review of time out and therapeutic restraint policy.

The collection of baseline data and information regarding the provision of special education services in Elan was based on the following activities:

- Review of information contained in the Pre-site Information Packet;
- Review of certification records;
- Record access sheet;
- Review of parent questionnaires;
- Review of survey questionnaire from special education directors of sending schools;
- Meeting with the Principal, Special Needs Coordinator, 13 classroom/special education teachers, one clinical psychologist, one licensed clinical social worker, one House Director, and seven students;
- Two classroom observations;
- Completion of interview forms related to confidentiality;
- Review of 14 special education records;
- Review for comparability of facilities;
- Record audit training with two staff members; and
- Review of time out/restraint policy and procedures.

The monitoring team found several strengths of the Elan program as determined through interviews and observations. The general curriculum offerings were in depth and provided by content, certified staff. All teachers spoke highly of their jobs and said the success around teaching their classes was due to the fact that they do not have to deal with discipline issues in the classroom environment.

All adults interviewed expressed the benefit of the team meetings each Tuesday. These meetings involve communication between House staff and classroom staff regarding any discipline issue. This was viewed as a positive approach in dealing with situations as soon as a concern arises. Classroom staff holds certification in the content area that they teach as well as a conditional certification in special education. Two classroom teachers are also fully certified in special education as well as a content area.

The Review Team determined that files showed involvement in the P.E.T. process from sending schools. All files reviewed had current IEPs and the Elan teaching staff indicated that they give input to a representative from the Elan program regarding progress on the IEP for P.E.T. meetings.

The following areas outside of the record audit met compliance according to the Maine Special Education Regulations:

- *Confidentiality training, and*
- *Documentation of admission requirements.*

The following area was not reviewed as Elan indicated that the sending schools perform this requirement.

Procedural Safeguards (Elan indicated they do not send documents to parents. They leave that role to the sending schools.)

The Elan school presented the Program Review Team with a draft copy of their policy for use of protective devices. Mr. McDermott indicated that the Department of Education had previously approved this policy. This approval is currently being reviewed by the Commissioner of Education to determine its compliance with state statute and standards. The process described in the current policy draft was not observed while the Program Review Team was present, although Mr. McDermott stated that they do use the techniques as defined in policy when needed.

The following areas outside the record audit did not meet compliance and will be reviewed in the Year Two process.

- *Annual notification of Family Educational Rights and Privacy Act (FERPA), and*
- *Record access sheet.*

Through the interview process and from reviewing records and certification, several concerns were noted.

The majority of the IEPs for students have goals and objectives dealing with improvement of behaviors. All special education teachers/classroom teachers stated that their involvement in the special education process is minimal. They report any special education need to the Special Education Coordinator (namely, Lisa) and she deals with the IEP and P.E.T. meetings. As reported through the interview process, members that hold the title of "Residential Director" often write progress reports, goals and objectives, and are frequently part of the P.E.T. for students. Progress on goals and objectives is done through a collection of incidence reports and observations done by "House" staff.

Teachers stated that when a behavior problem arises in their classroom, they write their concern on a slip of paper and a person that is stationed in the hall outside the classroom doors is handed the note. The student is immediately taken to the "House" program for behavioral intervention.

Section 300.455 of IDEA states, "Services provided to private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools." Also, Section 5.6 of the Maine Special Education Regulations states that any special education or supportive services provided to a student with a disability shall be specified in the student's IEP and shall be provided by an appropriately certified special education teacher or licensed supportive service provider. The Program Review Team members indicated that it was difficult to determine the special education service, and frequency and location of the service, in IEPs.

The way IEPs are delivered at Elan speaks to a higher level of supervision of certified staff than what is presently in place. From analyzing the staff roster given to me February 4, 2004, and reviewing information on the implementation of programs, currently there are a number of "House" staff and directors that do not hold the level of certification necessary or do not hold any type of certification. Some of the staff members identified are providing input on behavioral data on students, are recording progress on IEPs, attending P.E.T. meetings to give input, and writing progress reports that are part of the special education process. None of these staff members are currently being supervised to the level indicated in the Maine Special Education Regulations and in the Maine Department of Education Certification Regulations 115. The concern with certification was addressed as an isolated deficiency and identified in a letter dated February 17, 2004.

Students interviewed did not indicate knowledge of the P.E.T. process and were unsure if they participate in their own P.E.T. meeting. When asked questions around transition planning and if they give input into this part of the P.E.T. process, they could not answer. While the sending schools initiate meetings and send out the required notifications and procedural safeguards, it is necessary that the Elan special education staff assist students in participating and giving input for their transition planning. It is necessary for Elan to ensure that the special education process is being supervised by staff that possess knowledge of the Maine Special Education Regulations. As reported through the interview process and certification review, the person mentioned as handling all special education does not hold the proper certification for that role. Staff responsible for the IEP need to understand all components including the implementation of transition plans as well as the academic and behavioral goals.

The Program Review Team looked at the area of parental consents and notices, evaluation procedures, P.E.T. procedures, and IEPs. These areas were reviewed through a comprehensive audit of student records. The record audit took into consideration the differences in state requirements and compliance was based on IDEA regulations. This comprehensive record audit is a component that ensures educational equity and access to programs and curriculum.

Attached are the compiled results of the record audit. Any component not receiving a 90% rate of compliance is identified as an area of concern. Identified areas of concern on the record audit are followed by comments as to why the item did not meet the regulation standard. If areas of the record audit that did not reach compliance were because Elan did not receive appropriate documents from the sending school or the document did not meet compliance as stated, it is your responsibility to inform the sending school regarding the area of concern. Elan must then document that the sending school was informed.

The Program Review Team recognizes the difficulties in coordinating the P.E.T. meeting with multiple states and school units with differing procedures. While the sending school is ultimately responsible for the appropriate education of its students, the special purpose private school holds a level of responsibility also. (Maine Special

Education Regulations, Section 10.7) The Program Review Team suggests that Elan develop an agreement with the sending schools regarding the P.E.T. process to be used with their students. This agreement should specify responsibility for setting the time and place of the P.E.T., parental notification, minutes of the P.E.T., IEP, evaluation documentation, etc. This agreement also needs to be clear to the sending school that before placement, a representative from the receiving school shall be involved in this meeting. (Section 10.6) This agreement could assist you in reaching compliance on the enclosed Pupil Record Audit Form.

Using the record audit information, Elan has the opportunity to address all areas of concern before the *Year Two* review takes place. The *Year Two* review will monitor those items on the record audit that did not meet 90% compliance rate and any areas of concern outside the record audit.

The Department of Education conducted a survey of parents of students enrolled in your school as well as special education directors from the sending schools. The results of these surveys are attached. As schools continue to improve programs for all students, parent and special education director input is critical. These results can serve as additional information to be used in the planning and evaluation of programs.

The Program Review Team noted that Elan currently participates in the administering of the MEA for Maine students and sometimes the New York Regency Exam. Special education staff at Elan needs to remain current with their understanding and knowledge of the administration of the MEA for students from Maine. Training for Alternate Assessments to the MEA has been ongoing and can be referenced on the Maine Department of Education's web page. Section 10.2H of the Maine Special Education Regulations explains necessary documentation in each IEP. While many students are from other states, this requirement is also referenced in IDEA (300.347(a)) and is necessary to document in all IEPs. Local assessment was not found documented in some of the IEPs reviewed.

In accordance with the Freedom of Access Act, all letters related to the Special Education Program Review are public record and shall be made available to parents and other members of the public upon request.

On behalf of the Special Education Program Review Team, I would like to again thank you and your staff for the pleasant visit.

Sincerely,



Anna Feeney, Consultant
Special Education Program Review

Elan

FINAL REPORT - SPECIAL EDUCATION DIRECTORS' QUESTIONNAIRE

As part of the Special Education Program Review, a survey of the sending schools directors was conducted. This is a summary of the results. Of the 42 questionnaires sent out, 23 or 54% were returned. Of those returned, the following results indicate the responses.

Questions	Yes	No	N/A
1. I am kept informed by reports and/or personal communications of the student's progress.	23	0	0
2. The facility maintains good, overall communication with parents.	23	0	0
3. As the sending school, I have knowledge that the curriculum used by the special purpose private school is aligned with the <i>Learning Results</i> .	15	3	5
4. The staff is well prepared to provide measurable data of student's progress and needs.	22	1	0
5. The staff is well prepared to suggest appropriate, measurable goals and objectives for the student at P.E.T. meetings.	21	2	0
6. The staff can describe the special education programs and support services to be provided.	21	1	1
7. The IEP, as developed at the P.E.T., is carried out on a consistent basis.	21	1	1
8. The facility maintains good, overall communication with you, including timely requests for P.E.T. meetings.	23	0	0
9. The facility initiates a smooth transition process when student returns to public school.	5	5	13
10. The appropriate decisions for the administration of the MEA and district-wide assessments are made at the P.E.T.	11	1	11
11. I understand my responsibilities around Alternate Assessment participation for students in out-of-unit placements.	16	2	5

ELAN

SPECIAL PURPOSE PRIVATE SCHOOL FINAL REPORT - PARENT QUESTIONNAIRE

As part of the Special Education Program Review, a survey of parents was conducted. This is a summary of the results. Of the 58 parent questionnaires that were sent out, 23 or 39% were returned. Of those that were returned, the following results indicate the responses.

QUESTIONS	Highly Satisfied	Satisfied	Not Satisfied	No Opinion
1. Teachers set challenging goals and have high expectations for my child.	16	5	1	1
2. The school listens to my suggestions and ideas when developing my child's Individualized Education Program.	13	7	0	3
3. I understand what is discussed at the meetings to develop my child's Individualized Education Program and feel comfortable asking questions and expressing concerns when necessary.	17	5	0	1
4. My child participates in the regular education classroom as much as I believe is appropriate.	17	5	0	1
5. My child has the opportunity to participate in school activities such as sports, field trips, clubs, and assemblies.	15	6	2	0
6. Issues involving my child are communicated to me quickly and clearly.	16	4	3	0
7. I am given information that helps me understand the special education process in my school.	15	5	1	2
8. I am kept informed throughout the year about my child's progress.	18	3	2	0
9. There are opportunities for parent training or information sessions regarding special education issues in my school.	6	5	3	9
10. Regular education and special education staff work together for my child's best interests.	14	5	1	3
11. The modifications written in my child's Individualized Education Program are carried out by the staff in the regular education classroom.	14	5	0	4
12. There are opportunities for parents in my school to be involved in planning and reviewing school programs and services.	9	1	4	9
13. I know who to call at the school if I have questions about my child's special education program.	15	7	0	1
14. I have been well informed about my rights as a parent of a student receiving special education services.	17	5	0	1
15. All recommended special education services have been provided my child in a timely manner.	17	4	0	2

Elan

SPECIAL PURPOSE PRIVATE SCHOOL PUPIL RECORD AUDIT FORM FINAL REPORT

ITEMS	COMMENTS
INITIAL REFERRAL (IF FACILITY HAS REGULAR EDUCATION COMPONENT)	
1. Prior written notice of initial P.E.T. referral (must contain all components of prior written notice) (7.6, 12.3)	N/A Children in this program are already identified and placed in this program by sending school.
2. Input from the Pupil Evaluation Team to determine evaluation needs (if any) (7.7, 9.8, 9.17)	N/A Children in this program are already identified and placed in this program by sending school.
3. Parents provided with written consent for <u>initial evaluation</u> (15 school days) (7.7, 9.3, 9.17, 12.4)	N/A Children in this program are already identified and placed in this program by sending school.
4. <u>Receipt of consent to evaluate</u> and P.E.T. determination (time line: all referrals – 45 school days) (9.17)	N/A Children in this program are already identified and placed in this program by sending school.
5. Written consent for initial placement (must provide all components of prior written notice) (11.14, 12.3, 12.4)	N/A Children in this program are already identified and placed in this program by sending school.
PARENTAL NOTICES (IF P.E.T. MEETING INITIATED BY RECEIVING SCHOOL)	
6. EF-S-01 (11.17, 17.7)	100% Compliance (One student was from Maine.)
7. Parental written notice of P.E.T. meeting must include: A. Parent's right to P.E.T. membership B. Procedural safeguards C. Parent's right to invite other individuals... (8.5, 12.11)	86% Compliance Notice missing from file.
8. School unit shall provide at least seven days prior notice of each P.E.T. meeting... (8.5)	90% Compliance
9. If purpose of meeting is consideration of transition services...beginning at age 14, or younger, if appropriate, ...notice of meeting must indicate: A. Transition services will be considered B. Student invited to meeting C. Identify any other agency that will be invited to send a representative (5.13, 8.5)	66% Compliance Purpose of meeting did not indicate transition; student not invited; notice of meeting missing from file.
10. Copy of P.E.T. minutes to parents within 21 school days (8.9)	100% Compliance Minutes required in Maine and the one student file did meet this requirement.
11. Copy of IEP provided to parents within 21 school days (10.2)	83% Compliance File from Maine student did meet this requirement; some IEPs notification area left blank; incomplete file on one student.
12. Prior written notice if school unit proposes or refuses to initiate or change identification, evaluation, <u>educational program</u> , placement,... (10.4, 12.3)	50% Compliance Document missing from some files.
13. Prior written notice of implementation of an IEP of a transferring student (7.3, 10.9, 12.3)	N/A Student files indicated that they were placed and did not enter as a transfer student.

EVALUATIONS

(IF EVALUATION WAS COMPLETED BY RECEIVING SCHOOL)

14. A copy of the evaluation report will be provided to the parent a reasonable time prior to the P.E.T. meeting at which the evaluation is discussed (8.5, 9.13)	0% Compliance Documentation missing indicated that evaluations were sent to parent prior to P.E.T. meeting in which they were discussed.
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(IF CONDUCTED WHILE STUDENT IS IN ATTENDANCE AT FACILITY)

15. Each school unit shall obtain informed parental consent prior to conducting any reevaluation... If members of P.E.T. determine that no additional data are needed, the school administrative unit shall notify the parents... (9.8, 9.9, 9.11, 9.12, 12.4)	14% Compliance Consent missing.
16. Input from the Pupil Evaluation Team to determine evaluation needs (if any) (7.7, 9.8, 9.17)	20% Compliance Input was not documented.
17. Use a variety of assessment tools and strategies; not use any single procedure as the sole criterion; use technically sound instruments (9.5)	100% Compliance
18. Written summary of report shall: summarize evaluation procedures, specify evaluation results and diagnostic impressions, and specify educational recommendations (9.13)	83% Compliance Placement recommendations made not educational recommendations; no educational recommendations given. (Elan contracted evaluations)
19. Written summary of classroom observation (comparison to peers, adverse affect) (9.6)	10% Compliance Section 9.6 references the need to do classroom observations even if child is not educational with nondisabled peers; could not tell if a P.E.T. determination as consent for reevaluations not in files.

P.E.T. PROCEDURES

20. Required members present at P.E.T.--which develops the IEP for the initial out-of-unit placement--administrative designee, regular education teacher, special education teacher, representative of receiving school unit-- (8.6) A. If representative of receiving school is not present, evidence of methods employed to ensure participation (10.6)	75% Compliance Documentation missing to track P.E.T. membership; could not track placement P.E.T.
21. Required members present at subsequent P.E.T. meetings ---administrative designee from sending school, special education teacher (10.7, 8.6)	91% Compliance
22. If parent not present, the unit shall maintain a record of its efforts to arrange a mutually agreed upon time and place (8.4)	66% Compliance Records of attempts to arrange a mutually convenient time were not present in file.
23. A. If transition services were discussed and student did not attend P.E.T., steps taken to ensure the student's preferences and interests were considered B. If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation (8.8)	28% Compliance No documentation of steps taken to ensure student's preferences and interests were considered. **Students interviewed were unable to explain their involvement in the P.E.T. process and unable to answer questions around their input into the development of their transition plan.

P.E.T. CONSIDERATIONS IN DEVELOPING AN IEP

For all students:

25. A. In developing or revising each student's IEP, the P.E.T. shall consider the strengths of the student... (10.3A)	78% Compliance No documentation.
B. In developing each student's IEP, the P.E.T. shall consider the concerns of parents for enhancing the education... (10.3A)	78% Compliance Not documented.

C. The P.E.T. shall consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs... (10.3G)	86% Compliance Not documented.
D. The P.E.T. shall consider whether the student requires assistive technology devices and services (10.3H)	86% Compliance Not documented.
E. The P.E.T. shall consider the results of the initial or most recent evaluation of the student (10.3B)	93% Compliance
F. The P.E.T. shall consider, as appropriate, the results of the student's performance on any general or district-wide assessment (10.3C)	90% Compliance
Special factors (if appropriate):	
26. A. The P.E.T. shall in the case of a student whose behavior impedes his/her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior (10.3D)	84% Compliance Information missing from file; did not document yet behavioral issues in present level, as well as, minutes and evaluations.
B. The P.E.T. shall in the case of a student who is blind or visually impaired provide for instruction in Braille... unless the team determines...not appropriate... (10.3F)	N/A No files were reviewed that needed this consideration.
C. The P.E.T. shall, in the case of a student with limited English proficiency, consider the language needs of the student as these needs relate to the student's IEP (10.3E)	N/A No files were reviewed that needed this consideration.
INDIVIDUALIZED EDUCATION PROGRAM	
27. Present level of educational performance including how student's disability affects the student's involvement and progress in the general curriculum... (10.2A)	71% Compliance Not measurable; present level not connected to goals.
28. Measurable annual goals relating to meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum... (10.2B)	92% Compliance
29. Statement of how the student's progress toward the annual goals will be measured (10.2G)	90% Compliance
30. Measurable short-term instructional objectives or benchmarks (10.2B)	7% Compliance Not written in incremental steps.
31. Statement of how the student's parents will be regularly informed, at least as often as parents of children without disabilities are informed, of their child's progress toward their annual goals... (10.2G)	50% Compliance Not clearly documented.
32. Specific special education services (10.2C)	28% Compliance Special education services not clearly stated.
33. Frequency of services to be provided (10.2C, 10.2D)	50% Compliance Not clearly defined.
34. Position responsible (10.2C)	14% Compliance Missing from IEPs; must be certified teacher.
35. Location (10.2D)	64% Compliance Not clear as to whether the setting was a regular education setting (classroom) or special education setting.
36. Specific supportive services to be provided (10.2C)	92% Compliance
37. Frequency of supportive services to be provided (10.2C, 10.2D)	92% Compliance

38. Position responsible for services (10.2C)	23% Compliance List only licensed supportive service staff.
39. Location (10.2D)	92% Compliance
40. Date of initiation/duration of services (day, month, and year required) (10.2D)	92% Compliance
41. An <u>explanation</u> of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities (10.2E, 11.2)	92% Compliance
42. Supplemental aids and services, program modifications or supports for school personnel that will be provided to the student---to advance appropriately toward attaining the annual goals---to be involved and progress in the general curriculum...and to participate in extracurricular and other nonacademic activities... (10.2C)	92% Compliance
43. Special education transportation (10.2F)	71% Compliance Not addressed on all IEPs.
44. Accommodations or modifications in the administration of the Maine Educational Assessment and district-wide assessment. If the P.E.T. determines the student will not participate, a statement of why the MEA or <i>district-wide assessment</i> is not appropriate and how the student will be assessed (10.2H, 300.347(a))	50% Compliance Elan is responsible for Maine students, yet this section must be addressed for all students, even from other states.
45. Adaptations of and accommodations to state and local graduation requirements (15-20 year olds)...; (5.11)	71% Compliance Missing from some IEPs.
46. A. For each student beginning at age 16..., a statement of the needed transition services for the student...the coordinated set of activities...shall include...special education services, instruction, supportive services, community experiences, development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation (2.31, 10.2I, 5.13)	83% Compliance Transition components not addressed in IEP.
B. ...beginning at age 14, or younger if appropriate,... and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study... (2.31, 10.2I, 5.13)	92% Compliance
47. ...beginning at least one year before the student reaches age 18 (the age of majority), a statement that the student has been informed of the special rights... (10.2J)	60% Compliance Not documented on the IEP.



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

Anna
SUSAN A. GENDRON
COMMISSIONER

February 17, 2004

Frank McDermott, Principal
Pinehenge (Elan)
P.O. Box 578
Poland, Maine, 04274

Dear Mr. McDermott:

In conducting the Special Education *Year One* Program Review of the Elan School, one isolated deficiency was identified. An isolated deficiency is identified when a serious infraction has occurred which could adversely affect a student's ability to receive and benefit from a free appropriate public education.

From reviewing pre-site information on certification as well as information gained in the interview process, it has been determined that the enclosed list of staff members do not have the correct certification and/or authorization to carry out the programs as designated in the Individualized Education Programs (IEP). Section 5.6 of the Maine Special Education Regulations states, "Any special education or supportive services provided to a student with a disability shall be considered as part of the student's special education program, shall be specified in the student's IEP and shall be provided by an appropriately certified special education teacher or licensed supportive services provider." From the interview process, it was determined that the majority of IEP goals and objectives are carried out in the "House" program. During the on site visit, the Team determined that currently there were no certified special education teachers that are located in the "House" programs to provide the levels of supervision necessary under the Maine Department of Education Regulation 115. Section 300.455 of IDEA states, "Services provided to private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools." This would mean that given the current explanation of how the program operates, all staff providing services in the "Houses" would need to hold an Educational Technician III authorization. The staff listing that was sent to me February 4, 2004, revealed that many do not hold that credential. The list of staff members needing to upgrade their authorization is enclosed on a separate page for confidentiality reasons.

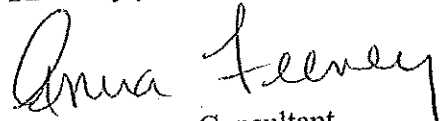
An added concern that will need to be addressed by Elan is referenced under Section 5.7 of the Maine Special Education Regulations regarding the number of students that an educational technician may work with at any one time as well as the level of supervision necessary. You can cross reference the student list with the number of educational technicians that Elan has employed to understand the level of change that will be needed to gain compliance. Also, I have enclosed educational technician authorization information for you to reference.

Elan will need to provide clear documentation on how they have corrected the above issues by March 15, 2004.

A follow-up visit by Department of Education staff will be scheduled in March to complete the interview process with house staff as well as to observe the implementation of IEPs.

If you have any questions, please feel free to call me at 624-6674.

Sincerely yours,

A handwritten signature in cursive script that reads "Anna Feeney".

Anna Feeney, Consultant
Special Education Program Review

E L A N

Staff members needing authorization or certification:

- Kary Frankchetti
- Kathleen Sherburne
- Jeffrey Gottlieb
- Kristen Roberts
- Nicholas White
- Alexander Latopis
- John Gaffy
- Clare Woodman
- Peter Rowe
- David McVety
- Timothy Mishou
- Jason Freeman
- Lisa Ferland
- Jeffrey Zabik